

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:	X	
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THE FINANCIAL OVERSIGHT AND	:	PROMESA
MANAGEMENT BOARD FOR PUERTO RICO,	:	Title III
	:	
as representative of	:	Case No. 17-BK-3283 (LTS)
	:	
THE COMMONWEALTH OF PUERTO RICO <i>et al.</i> ,	:	(Jointly Administered)
	:	
Debtors. ¹	:	
	X	

**URGENT MOTION OF OFFICIAL COMMITTEE OF UNSECURED CREDITORS
FOR ENTRY OF ORDER ADJOURNING HEARING ON MOTION OF COMMITTEE
FOR ORDER, UNDER BANKRUPTCY RULE 2004, AUTHORIZING DISCOVERY
PROGRAM WITH RESPECT TO CERTAIN CAUSES OF PUERTO RICO FINANCIAL
CRISIS, AND ADJOURNING REPLY DEADLINE**

To the Honorable United States Magistrate Judge Judith Gail Dein:

The Official Committee of Unsecured Creditors of the Commonwealth of Puerto Rico (and other title III debtor(s) (if any) for which it acts as the official committee of unsecured creditors) (the “Committee”) respectfully submits this urgent motion (the “Urgent Motion”) requesting entry of an order, substantially in the form of Exhibit A, (1) adjourning the current August 9, 2017 hearing date on the *Motion of Official Committee of Unsecured Creditors for Order, Under Bankruptcy Rule 2004, Authorizing Discovery Program With Respect to Certain Causes of Puerto Rico Financial Crisis* [Docket No. 706] (the “Motion”), and (2) adjourning the Committee’s deadline to file an omnibus reply (the “Omnibus Reply”) to the objections and

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number listed as a bankruptcy case number due to software limitations and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481), (ii) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686), (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808), and (iv) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284) (Last Four Digits of Federal Tax ID: 8474).

responses (the “Responses”)² filed to the Motion to a date four (4) calendar days prior to any such adjourned hearing date, consistent with Section III(K) of the *First Amended Notice, Case Management and Administrative Procedures* [Docket No. 262-1].

In support thereof, the Committee respectfully represents as follows:

1. The Committee filed the Motion on July 21, 2017. On July 26, 2017, the Court, pursuant to an order entered by Judge Laura Taylor Swain [Docket No. 764], referred the Rule 2004 Motion to Magistrate Judge Judith Gail Dein.

2. Five (5) separate Responses were filed in response to the Motion.

3. The last of the Responses, filed by the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”) on behalf of the Debtors, was received by the Committee on August 3, 2017.

4. The filing deadline for the Committee’s Omnibus Reply is currently Saturday, August 5, 2017 at 4pm.

5. The hearing on the Motion is currently scheduled to occur on August 9, 2017 [Docket No. 778].

6. In its Response, the Oversight Board refers to an investigation that the Oversight Board proposes to conduct, which it first announced on August 2, 2017. In the Oversight Board

² See (i) *Popular, Inc., Popular Securities LLC, and Banco Popular de Puerto Rico’s Objection and Reservation of Rights with Respect to the Committee’s Bankruptcy Rule 2004 Motion* [Docket No. 793] (the “Popular Response”); (ii) *The Official Committee of Retired Employees of the Commonwealth of Puerto Rico’s Objection to the Motion of Official Committee of Unsecured Creditors for Order, Under Bankruptcy Rule 2004, Authorizing Discovery Program with Respect to Certain Causes of the Puerto Rico Financial Crisis* [Docket No. 806]; (iii) *Objection of Santander Securities LLC, Santander Asset Management LLC and Banco Santander Puerto Rico to Motion of Official Committee of Unsecured Creditors for Order, Under Bankruptcy Rule 2004, Authorizing Discovery Program with Respect to Certain Causes of Puerto Rico Financial Crisis* [Docket No. 808] (the “Santander Response”); (iv) *Objection of AAFAF to the Motion of the Official Committee of Unsecured Creditors for Order, Under Bankruptcy Rule 2004, Authorizing Discovery Program with Respect to Certain Causes of Puerto Rico Financial Crisis* [Docket No. 825] (the “GDB Response”); (v) *Objection of Debtors to Motion of Official Committee of Unsecured Creditors for Entry of Order, Under Bankruptcy Rule 2004, Authorizing Discovery Program with Respect to Certain Causes of Puerto Rico Financial Crisis* [Docket No. 859] (the “Oversight Board Response”).

Response, the Oversight Board states, among other things, that “[i]n conducting the investigations...the Oversight Board hopes to receive input from the Committee in its (the Oversight Board’s) efforts to formulate a protocol under which the investigation will proceed” and refers to possible information sharing and coordination with the Committee.

7. The Committee disagrees that an Oversight Board investigation should in any way preempt the relief sought in the Motion, but has been and continues to be in ongoing discussions with the Oversight Board concerning potential cooperation and coordination between the Committee and the Oversight Board in the conduct of the investigation described in the Motion and investigation by the Oversight Board.

8. Although no assurances can be provided at this time, the Committee respectfully represents that additional time to continue these discussions may allow for the consensual resolution of potentially substantial issues with the Oversight Board.

9. However, delay of a hearing on the Motion until October 4, 2017 (the next scheduled Omnibus Hearing) would, in the Committee’s opinion, unduly delay the resolution of these important issues (if no consensual resolution can be achieved).

10. Accordingly, the Committee respectfully requests that the hearing on the Motion be very briefly adjourned by a period of approximately ten calendar days, in order to permit additional discussions between the Committee and the Oversight Board which may resolve significant issues presented by the Motion and simplify the Court’s overall resolution of the Motion. The Committee also respectfully requests that its reply deadline be equivalently adjourned, in order to allow the Omnibus Reply, when filed, to address the final state of the parties’ discussions concerning the appropriate interaction, if any, between investigation by the Committee and any investigation by the Oversight Board.

11. The Committee submits that its request is reasonable and appropriate, and that a brief adjournment will serve the overall objective of efficiency in managing these Title III Cases. Counsel for the Oversight Board has consented to the relief sought herein.

12. Proposed counsel to the Committee certifies that there is a true need for urgent relief and such urgency was not created through any lack of due diligence.

Notice

13. Notice of the Urgent Motion has been provided to the following entities, or their counsel, if known: (i) the parties who filed Responses to the Motion; (ii) the Bank of New York Mellon; (iii) the U.S. Trustee; (iv) the Office of the United State Attorney for the District of Puerto Rico; (v) the Oversight Board; (vi) the Puerto Rico Fiscal Agency and Financial Advisory Authority; (vii) the official committee of retirees; (viii) the insurers of the bonds issued or guaranteed by the Debtors; (ix) counsel to certain ad hoc groups of holders of bonds issued or guaranteed by the Debtors;³ and (x) all parties that have filed a notice of appearance in the Title III Cases.

No Prior Request

14. No previous request for the relief sought herein has been made by the Committee to this or any other court.

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³ Which include the Mutual Fund Group, the Ad Hoc Group of General Obligation Bondholders, the COFINA Senior Bondholders' Coalition, and the QTCB Noteholder Group, each as such group is defined at Docket Nos. 28, 68, 216, and 134 in the Commonwealth Title III Case, respectively.

WHEREFORE, the Committee respectfully requests that this Court enter an order substantially in the form attached hereto as Exhibit A, granting the relief requested herein and such other and further relief as this Court deems appropriate.

Dated: August 4, 2017
San Juan, Puerto Rico

/s/ G. Alexander Bongartz

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- and -

/s/ Juan J. Casillas Ayala

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